
From: andrew.w.keir@usdoj.gov
Sent: Monday, May 1, 2023 4:51 PM
To: Talbert, Jeffrey D. (JTalbert@preti.com)
Cc: Laura Rowley; Fajardo, Juan
Subject: Alden - draft joint letter
Attachments: Alden - Draft Joint Letter (for OCC review).DOCX; Alden - Draft proposed order to encl w joint letter.DOCX

Jeff:

As you know, in *US v. Alden Leeds et al*, the Court entered an order (DN 206) directing the parties and intervenors to file a joint letter on or before May 5, 2023: (1) clarifying whether formal complaints in intervention need be filed and (2) proposing next steps in the litigation and a schedule for such proceedings now that the public comment period for the proposed Consent Decree has closed.

I believe all parties and intervenors agree as to the first issue. With respect to the second issue, on Friday the United States sent OCC the attached draft letter with the United States' proposal. OCC has not yet advised whether it will agree to this approach. If OCC agrees to the United States' proposal, then we would remove sections IV and V from the attached. If OCC ultimately does not agree, however, we will need to file a letter that states the parties' divergent positions and addresses certain arguments by OCC. Unless OCC indicates its agreement by tomorrow morning, I'll send you another version of the letter the includes the United States' proposal, the proposal and arguments received from OCC, and the United States' draft opposition to OCC's arguments.

Can you please coordinate the Settling Defendants' review with Lee, Diana, and the unaffiliated Settling Defendants? Also, please advise whether you will coordinate with counsel to intervenors Nokia and Pharmacia, or if I should contact them directly.

Thanks,
Andrew

Andrew W. Keir
Trial Attorney
Environment and Natural Resources Division
United States Department of Justice
Mobile phone: (202) 532-5107
Email: Andrew.W.Keir@usdoj.gov